

12 THE EUROPEAN PARLIAMENT

Preview

The European Parliament (EP) is the only directly elected EU institution, and should logically be the one EU body that has developed the closest political and psychological ties to Europeans. And yet most European voters remain disengaged from its work, turning out in low numbers at EP elections, and taking less interest in its work than in the work of national legislatures.

Dividing its time mainly between Brussels in Belgium and Strasbourg in France, the EP is the legislative arm of the EU, sharing responsibility with the Council of Ministers for debating, amending and taking the final vote on proposals for new EU laws and the EU budget, and having the power to confirm or reject senior institutional appointments (such as the president of the Commission). However, it lacks two of the typical powers of national legislatures: it can neither introduce new laws nor raise revenues. It consists of several hundred members elected from the member states for five-year terms, who sit together not in national blocs but in cross-national political groups (see Chapter 16).

The EP's structural problems are manifold: it is not part of a European 'government', there is no change of 'government' at stake in EP elections, there are few prominent personalities in the EP who can fire public imaginations, and the links between national political parties and political groups in the EP are unclear. Until European voters make choices at European elections on European rather than national issues, it is unlikely that the EP's situation will improve.

Key points

- The European Parliament is the legislative arm of the EU, sharing powers with the Council of Ministers over discussing and approving legislative proposals developed by the European Commission, and over approving the EU budget.
- Plenary meetings of Parliament are held in Strasbourg, its committees meet in Brussels, and its Secretariat is based in Luxembourg. Pressure to move Parliament to Brussels has been resisted by France.
- The EP has 705 members elected to fixed and renewable five-year terms, the number of seats being divided up among the member states on the basis of population.
- The EP is headed by a president elected by its members, and detailed parliamentary work is undertaken in a network of 20 standing committees.
- Most decisions are made under the ordinary legislative procedure, by which the EP and the Council can discuss and amend a proposal up to three times.
- The EP has the right to confirm nominees to the presidency of the European Commission, the High Representative for Foreign Affairs, the College of Commissioners, and the office of European ombudsman, and also has powers of scrutiny over the Commission.

Comparing legislatures

The 2019 European election season was unusual in several ways. First, the share of the vote won by moderately conservative pro-EU parties continued to fall at the expense mainly of more right-wing anti-EU parties (see Chapter 16). Second, voter turnout – after declining steadily since EP elections were first introduced in 1979 – grew for the first time (see Chapter 17). Then, as EU leaders convened to nominate the new holders of some of the most senior positions in the EU structure – including the presidents of the European Commission and the European Council – charges were made that the EU leaders were trying to take back some of the powers over the appointment process won over time by the European Parliament.

This last development was just the latest example of the ongoing competition for power and influence that has taken place between Parliament, the Commission and the European Council over the years. Citing its superior democratic qualities, Parliament has long argued that it holds the moral high ground and that it deserves more say over EU decision-making. The Commission, meanwhile, has argued the importance of its role in representing the EU interest, while the member states continue to flex their muscles in the European Council. Which of these roles is the most important? Is the EU still mainly an international organization? Or should it be giving voters more say via Parliament, thereby making the EU more clearly a democratic political system in its own right?

The EP is one of only two directly elected transnational **legislatures** in the world (the other being the Guatemala City-based Central American Parliament), and the only directly elected EU institution. As such, it has most of the powers that we associate with conventional legislatures:

1. It represents the interests of voters.
2. It deliberates on matters of public importance.
3. It has powers to make laws.
4. It has authority over the budget.
5. It has the power of oversight or scrutiny over the other institutions.

Parliament has taken the initiative through the years to win new powers for itself over the work of EU institutions. As well as its early campaign to introduce direct elections, it introduced its own Question Time in 1973 – allowing it to demand oral or written replies to questions from commissioners – and initiated the 1992 reconfiguration of the number of seats in the EP. It has also worked to increase its role in the appointment of the directors and boards of the EU's specialized agencies; an EP campaign led to the creation of the Court of Auditors in 1993, since when it has exerted its moral and legal right to monitor the work of these agencies. At the same time, its powers are clearly conditional:

- It lacks the critical ability to draw up and propose legislation, which belongs to the Commission.
- It shares the power to amend and adopt legislation with the Council of Ministers.
- It shares power to approve the EU budget with the Council of Ministers.
- Its ability to hold the other EU institutions accountable is limited.



CONCEPT

Legislature

The institution of government that is responsible for making laws and (in democracies, at least) for representing the interests of voters. Legislatures are typically elected by voters, who usually choose their representatives on the basis of political party labels, and representatives are usually responsible for introducing, debating and voting on proposals for new laws (or amendments to existing laws). Most legislatures also usually have powers over budgets and powers of oversight over other institutions in government.

The most important power that the EP lacks is that of making and bringing down governments. In most member states, the government (or the executive) is decided on the basis of the balance of political parties in the legislature, and in order to stay in power, it must keep the support and confidence of the legislature. In the case of the EU, the political make-up of the EP has little bearing on the membership or stability of the other EU institutions. There is a distant relationship between the balance of political opinion in the EP and that in the member states, and a growing ideological relationship between the EP and the Commission, but the dynamic is quite different from that found in national governments.

At the same time, the EP is in the position of having a power relationship with the legislatures of the member states, which have been losing authority as the list of policies on which the EP can legislate has grown. National legislatures also find themselves regularly developing new laws on the basis of the requirements of EU law. This helps make the EP the most federal of the EU institutions, and the most obvious exception to, or variation on, the idea of the EU as a confederation.

The European Parliament consists of a single chamber with 705 Members of the European Parliament (MEPs) elected by universal suffrage for fixed and renewable five-year terms. Controversially, it is divided among three different locations: plenary sessions (meetings of the whole, or part-sessions) take place in Strasbourg, while parliamentary committees meet in Brussels for two weeks every month (except August), and the administrative Secretariat is based in Luxembourg.

This split dates back to the era of the European Parliamentary Assembly, which held committee meetings in Brussels and plenaries in Luxembourg and Strasbourg. The latter was chosen in part because the Council of Europe building was the only one available at the time that was big enough to house the Assembly, and in part because many members of the Assembly were also members of the Parliamentary Assembly of the Council of Europe. Since 1981, plenaries have been held in Strasbourg alone, and the split between Strasbourg, Brussels and Luxembourg was confirmed in 1992. The French government went further in 1999 by opening

Figure 12.1 *Structure of the European Parliament*

- Legislative arm of the EU (but shares powers with Council of Ministers).
- Plenary sessions meet in Strasbourg, committees meet in Brussels, administrative offices in Luxembourg.
- Headed by a president elected from among the political groups in Parliament for renewable five-year terms.
- Consists of Members of the European Parliament directly elected by voters in the member states for fixed and renewable five-year terms, the number of MEPs being divided among member states approximately on the basis of population.
- MEPs are organized into cross-national political groups, or may sit as independents.
- Detailed work undertaken by 20 standing committees, and by temporary committees and committees of inquiry.
- Work supported by a Secretariat.
- Federal in character, and driven by a combination of supranationalism, nationalism, and ideology.



Illustration 12.1:
The European Parliament building in Strasbourg, which stands empty for most of the year because most meetings of Members of the European Parliament are held in Brussels.

Source: © European Parliament

a new €470 million home for the EP in Strasbourg. Named for Louise Weiss, a French journalist and MEP, the building was immediately branded a white elephant; because plenary sessions last only three to four days each month (except August), the building is almost empty for most of the year. Meanwhile, the Espace Léopold complex in Brussels, built for the EP in stages between 1989 and 2009, was big enough to meet all the EP's needs, but has never become its permanent home.

This arrangement – long opposed by the EP itself, and often dismissed by critics as a ‘travelling circus’ – forces a tiring and time-consuming travel schedule on MEPs, who must also regularly travel home to meet with their constituents and parties. It also inflates the EP's annual budget by an estimated €114 million (European Court of Auditors, 2014). Meanwhile, Strasbourg continues to press its demands, laying claim to being symbolic of European unity because it is sited in the French province of Alsace, which was long at the heart of Franco-German hostilities (see discussion in Judge and Earnshaw, 2008). But this is an increasingly weak argument, and the French government is almost alone in insisting that the EP continues to meet in Strasbourg.

How Parliament evolved

The European Parliament traces its roots back to the first meeting in Strasbourg on 10 September 1952 of the Common Assembly of the ECSC. The Assembly's 78 members had no power to propose or amend ECSC laws, and although the High Authority was required to answer questions put to it by the Assembly, and could be forced to resign by an Assembly vote of censure, the Assembly was little more than a forum for the discussion of proposals from the High Authority (Gillingham, 1991). It could develop its own rules of procedure, however, and used this to good effect by allowing for the formation of cross-national political groups and creating standing committees.

The Treaties of Rome created a 142-member European Parliamentary Assembly shared by the ECSC, the EEC and Euratom, which met for the first time in Strasbourg in March 1958 with Robert Schuman as its president. It was

given joint powers with the Council of Ministers for approving the Community budget, and in 1962 was renamed the European Parliament. Many of its members had a dual mandate, meaning that they served in the European Parliament and their national legislatures, but as the workload of the EP grew, so the dual mandate became more impractical, and it was eventually abolished.

The EP crossed a political watershed in 1976 when the European Council agreed to an EP proposal that it should be directly elected. The first elections were held in June 1979, and with MEPs now given a democratic mandate and meeting in public session, they argued that they should be given new powers to represent voter interests and offset and balance the powers of the other EU institutions. Unfortunately, voters were slow to support the EP; even today, few know what it does and turnout at elections has been modest at best (see Chapter 17).

The membership of the EP more than tripled between 1973 and 1995 (from 198 to 626) as the membership of the EEC/EU grew, and it was given shared responsibility with the Council of Ministers over the Community budget; within limits, it could now raise, lower or reallocate spending, and even – if necessary – reject the annual budget altogether (Corbett et al., 2016). It was given an additional boost in 1980 by a decision from the European Court of Justice – *SA Roquette Frères v. Council* (Case 138/79). This sided with a French company that challenged a Council regulation placing production limits on isoglucose (a starch-based food sweetener), partly on the basis that it had been adopted without an opinion from Parliament. Thus was established the right of the EP to be consulted on draft legislation, giving it standing to bring cases to the Court (Trondal et al., 2017).

The EP also used parliamentary questions to hold the other Community institutions more accountable, and steadily won more powers over new policy areas and greater input into the law making process (see Rittberger, 2005, Chapters 5 and 6). The Single European Act brought another key change: where the EP's opinions on proposals for new laws had been non-binding (the so-called 'consultation procedure'), the SEA introduced a cooperation procedure under which all laws relating to the single market could be subject to two readings by the EP. Maastricht and Amsterdam introduced the co-decision procedure (since renamed the 'ordinary legislative procedure'), under which a third reading was possible, giving the EP the effective right of veto over most new legislation.

Leadership: The president

The European Parliament is chaired by a president elected by MEPs from among their number. The functional equivalent of the presidents or speakers found in most national European legislatures, the **president of the EP** works with vice-presidents representing the EP's political groups, and has several responsibilities:

- To open, chair and close EP debates during plenary sessions.
- To apply the rules of parliamentary procedure.
- To sign the EU budget and all legislative proposals decided by codecision.
- To pass proposals to committees.
- To represent Parliament in legal matters and in its relations with other institutions (including national legislatures), and to address meetings of the European Council.

President of the EP The leader of the European Parliament, elected by MEPs from among their number, the selection being predetermined as a result of negotiations among the major political groups.

- To preside over meetings of the Conference of Presidents and the Bureau of the EP (see later in this chapter).

In theory, the president is elected in a vote by MEPs choosing from a slate of competing candidates, with the preferred candidate of the biggest political group in the EP having a clear advantage. Also in theory, presidents are elected for the full five-year term of a Parliament, and can remain in office for as long as they want the job and have the support of a majority of MEPs. However, because no single political group has yet won a majority of seats in the EP, the president is chosen as a result of bargaining among the leaders of the major groups, particularly the two biggest: the centre-right European People's Party (EPP) and the centre-left Progressive Alliance of Socialists and Democrats (S&D). These groups have taken turns controlling the office for half terms of two and a half years, with the smaller liberal democrats occasionally being given a turn (see Table 12.1). The first break in this pattern came in 2014 when the S&D dropped its support for its favoured candidate for president of the Commission, Martin Schulz, and backed Jean-Claude Juncker in return for an agreement that Schulz be returned to a second half term.

The arrangements made for the election of Jerzy Buzek in 2009 illustrate how the system works. With EPP president Hans-Gert Pöttering stepping down, British MEP Graham Watson – leader of the liberal democratic group in the EP – launched a campaign for the presidency, saying that he wanted to end the cycle of back-room deals. He hoped to win the support of Joseph Daul, leader of the EPP, but Daul had no incentive to offer Watson his support, given that the EPP and the S&D had enough votes in the EP to continue with the tradition of the rotating presidency. Italian MEP Mario Mauro announced that he would run against Buzek in an internal EPP contest, but was encouraged by Daul to withdraw his candidacy. Watson then withdrew after a deal was struck by which the liberal democratic group was given its wish for the setting up of a special parliamentary committee to investigate the causes of the 2007–09 global financial crisis. This cleared the way for Buzek – after facing the token opposition of Eva-Britt Svensson, leader of the left-wing European United Left-Nordic Green Left group in the EP – to be elected president in July 2009, becoming the first East European to hold the job (Taylor, 2009).

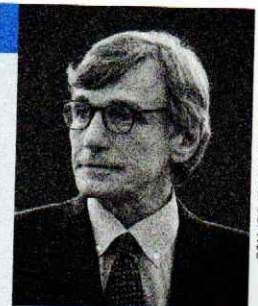
This system encourages critics to scoff at the EP's claims to be the democratic conscience of the EU. Furthermore, the fact that only one president has ever served a full term makes it difficult for incumbents to come to grips with the job



PROFILE

David Sassoli

David Sassoli (1956–) was elected president of the European Parliament in July 2019, continuing the informal (if sometimes inexact) habit in the EP of alternating the job between members of the two major political groups, the conservative European People's Party and the Alliance of Socialists and Democrats. An Italian social democrat, he was born in Florence, graduated with a degree in political science from the University of Florence, and launched a career as a print journalist before moving into television. He was elected to the EP as a member of the Italian Democratic Party in 2009, unsuccessfully ran for mayor of Rome in 2013, and was elected for a second term in the EP in 2014, and for a third term in 2019. He became the seventh Italian to hold the presidency, tying the record held by Germany. In his first speech in the job he launched an attack on EU leaders for ignoring the EP's choice for the new president of the European Commission.



Source: EC - Audiovisual Service

Table 12.1 *Presidents of the European Parliament*

Beginning of term	Name	Member state	Political group
Sept 1952	Paul-Henri Spaak	Belgium	Socialist
May 1954	Alcide de Gasperi	Italy	Christian Democrat
Nov 1954	Giuseppe Pella	Italy	Christian Democrat
Nov 1956	Hans Furler	Germany	Christian Democrat
Mar 1958	Robert Schuman	France	Christian Democrat
Mar 1960	Hans Furler	Germany	Christian Democrat
Mar 1962	Gaetano Martino	Italy	Liberal Democrat
Mar 1964	Jean Duvieusart	Belgium	Christian Democrat
Sept 1965	Victor Leemans	Belgium	Christian Democrat
Mar 1966	Alain Poher	France	Christian Democrat
Mar 1969	Mario Scelba	Italy	Christian Democrat
Mar 1971	Walter Behrendt	Germany	Socialist
Mar 1973	Cornelis Berkhouwer	Netherlands	Liberal Democrat
Mar 1975	Georges Spénale	France	Socialist
Mar 1977	Emilio Colombo	Italy	European People's Party (EPP)
July 1979	Simone Veil	France	Liberal Democrat
Jan 1982	Pieter Dankert	Netherlands	Socialist
July 1984	Pierre Pflimlin	France	EPP
Jan 1987	Sir Henry Plumb	UK	Conservative
July 1989	Enrique Barón Crespo	Spain	Socialist
Jan 1992	Egon Klepsch	Germany	EPP
July 1994	Klaus Hänsch	Germany	Socialist
Jan 1997	José Maria Gil-Robles	Spain	EPP
July 1999	Nicole Fontaine	France	EPP
Jan 2002	Pat Cox	Ireland	Liberal Democrat
July 2004	Josep Borrell Fontelles	Spain	Socialist
Jan 2007	Hans-Gert Pöttering	Germany	EPP-European Democrats
July 2009	Jerzy Buzek	Poland	EPP
Jan 2012	Martin Schulz	Germany	S&D
Jan 2017	Antonio Tajani	Italy	EPP
July 2019	David Sassoli	Italy	S&D

or become well-known public figures, making it more difficult to draw public attention to the work of the EP. Few presidents were less prepared for the job than the Spanish socialist Josep Borrell Fontelles, who became president in 2004 within weeks of the start of his first term as an MEP. And the fact that the deal on the presidency is worked out between two political groups with dissimilar ideological identities makes it seem all the more artificial and opportunistic. Opposition to the deal-making has been growing within the EP, to be sure, but until one group wins a majority of seats in the EP, or is willing and able to form a coalition with smaller groups, lasting change is unlikely.

The EP is managed by three different bodies:

1. The most politically powerful is the **Conference of Presidents**, consisting of the president and the heads of the EP political groups, and responsible for deciding the timetable and agenda for plenary sessions and managing EP committees.
2. The Bureau of the EP functions much like a governing council, and is responsible for administrative, organizational and staff issues, monitoring the rules on political groups, and administering the EP budget. It consists of the president and the 14 vice-presidents, joined in a non-voting capacity by the five quaestors of the EP, who are responsible for the administrative and financial rules relating to MEPs.
3. The Conference of Committee Chairs discusses organizational issues, watches the progress of legislative proposals, and brokers deals between the political groups over the drafting of the parliamentary agenda (Corbett et al., 2016).

Conference of Presidents The major administrative body of the EP, consisting of the president and the heads of the political groups, and responsible for managing plenary sessions and the EP committee system.

Members of the European Parliament

Seats in the EP are divided up among the member states roughly on the basis of population, with a cap of 705 and no state allowed more than 96 or less than 6. While Germany today has the full allotment of 96, Malta, Luxembourg, Cyprus and Estonia each have 6 (see Table 12.2). If seats were divided strictly by population,



Illustration 12.2.

The European Parliament in session in Strasbourg. The nature of parliamentary systems means that plenaries (meetings of the whole) happen rarely, and most of the work of the EP takes place in committees meeting mainly in Brussels.

Source: © European Parliament

Table 12.2 Seats in the European Parliament

Germany	96	Czech Republic	21	Lithuania	11
France	79	Hungary	21	Latvia	8
Italy	76	Sweden	21	Slovenia	8
Spain	59	Austria	19	Estonia	7
Poland	52	Bulgaria	17	Cyprus	6
Romania	33	Denmark	14	Luxembourg	6
Netherlands	29	Finland	14	Malta	6
Greece	21	Slovakia	14		
Belgium	21	Croatia	12		
Portugal	21	Ireland	13	TOTAL	705

with each **Member of the European Parliament (MEP)** representing the same number of people, then Germany would have 120 MEPs, while Cyprus would have one and Malta and Luxembourg would have none. Under the current formula, the French and the British have fewer MEPs per capita (about one per 905,000 people), while the Maltese have many more (about one MEP per 83,000 people).

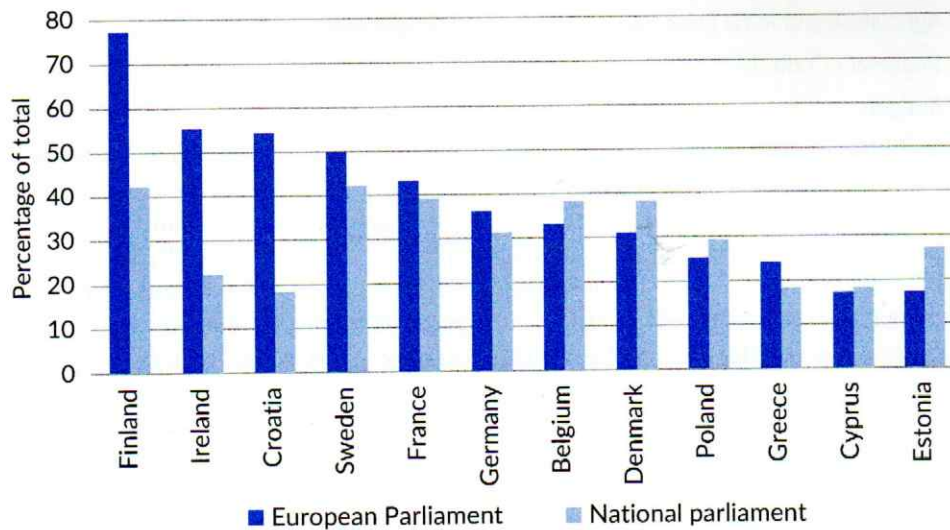
Candidates for European elections are chosen according to the rules of their national parties, but once in office they have an independent mandate and cannot always be bound by those parties (Servent, 2018, Chapter 8). What this means for the personality of the EP is debatable. It is often assumed that anyone working within an EU institution will undergo a process of socialization that encourages them to become more pro-European. However, the ranks of MEPs include representatives of political parties that are lukewarm and even hostile towards integration, and Scully (2005) has argued that MEPs do not necessarily become more pro-integration and often think and act like national politicians. To think of the EP as exclusively supranational in character, then, is misleading.

MEPs are paid out of the EP budget, and long received the same as members of their respective national parliaments. This created large income disparities with the arrival in 2004–07 of new and relatively poorly paid eastern European MEPs. Since 2009, all MEPs have been paid the same; in 2018, this was nearly €106,000 per year (plus office and travel expenses), and they pay their taxes into the EU budget. MEPs are not allowed to hold other significant political offices, such as being a member of a national government or a legislature of a member state, a European commissioner, a judge on the European Court of Justice (ECJ), or a member of the board of directors of the European Central Bank.

The political experience of MEPs has improved over the years. Where once the EP was seen as something of a haven for politicians who had failed to win office at home or had been temporarily side-lined, its new powers have attracted more seasoned legislators. Its ranks have included former chancellors of Germany, former presidents of France and Lithuania, and former prime ministers of Italy and Belgium. Many MEPs have served as elected representatives in their national legislatures, and others have had experience as national government ministers. Meanwhile, experience as an MEP has become more valuable, and has appeared on the résumés of several members of the European Commission and several high-ranking members of national governments.

Member of the European Parliament (MEP) A representative elected from one of the EU member states to serve in the European Parliament.

Figure 12.2 Women in the European and national parliaments



Source: European Parliament, 2018, updated with 2019 EP election results.

In economic, gender and social terms, the EP looks much like most national legislatures, with a preponderance of white, middle-aged, middle-class professional men from urban backgrounds. However, the proportion of women in the EP has grown from a low of 16 per cent in 1979 to just over 39 per cent in 2019 (see Figure 12.2). This is still far short of the EP's own goal of 50 per cent by 2050, and below the average for the national legislatures of several Scandinavian countries (about 40 per cent), but well above that for China (25 per cent), the United States (24 per cent), Ireland (22 per cent), Russia (16 per cent), or Japan (10 per cent) (Inter-Parliamentary Union, 2019). Turnover for MEPs at elections is higher than is the case in most national legislatures; typically about half the members arriving after an election are newcomers (Corbett et al., 2016).

Supporting structure

As with conventional national legislatures, most of the detailed work of the EP is addressed by a network of committees in which MEPs meet to discuss and amend legislative proposals (Servent, 2018). Parliament also appoints individual MEPs to make initial recommendations on proposed legislation, and its work is supported by a small secretariat in Luxembourg.

Parliamentary committees

Convening monthly or bimonthly in Brussels, there are now 22 standing (permanent) committees (see Table 12.3), ranging in size between 25 and 73 members, their responsibilities in the EP reflecting the priorities of European integration. (For a detailed study of EP committees, see Yordanova, 2013.) EP committees are in some ways more important than their national equivalents: Ringe (2009) argues that since MEPs lack the resources to make equally informed decisions across all areas of policy, they often adopt the positions of their expert colleagues in EP committees that most closely match their own.

Table 12.3 *Committees of the European Parliament*

Agriculture and Rural Development	Foreign Affairs
Budgetary Control	Human Rights
Budgets	Industry, Research and Energy
Civil Liberties, Justice and Home Affairs	Internal Market and Consumer Protection
Constitutional Affairs	International Trade
Culture and Education	Legal Affairs
Development	Petitions
Economic and Monetary Affairs	Regional Development
Employment and Social Affairs	Security and Defence
Environment, Public Health and Food Safety	Transport and Tourism
Fisheries	Women's Rights and Gender Equality

Winning appointment to a committee is desirable and competitive, because this is where most of the work of shaping legislation is done. Some committees (particularly Budgets, Environment, and Foreign Affairs) are more influential than others, and national interests also drive MEP choices; so, for example, Polish and Irish MEPs have more interest in agriculture than in foreign and security issues. Membership of committees is determined in part by the seniority of MEPs and in part by the size of political groups in the EP. In most national legislatures, committee chairs are appointed out of the majority party or coalition. Because there is no majority party in the EP, however, committee positions and chairmanships are divided up among political groups using the d'Hondt method of apportionment (named for a nineteenth-century Belgian mathematician), which uses a formula based on the number of votes each party receives and the number of seats it is allocated. Controversially, the three major pro-EU political groups worked together in 2014 to block the appointment of a Eurosceptic MEP from Italy as chair of the Petitions committee.

In addition to standing committees, the EP also has temporary committees set up to examine a variety of politically pressing issues, including (in recent years) human genetics and other medical technologies, allegations of illegal CIA activities in Europe, climate change, the global financial crisis, and terrorism. The EP can also set up committees of inquiry to investigate breaches or poor application of EU law, their work designed to assert the EP's rights of scrutiny over other institutions. Finally, there is a Conciliation Committee that meets when the EP and the Council of Ministers have disagreed on the wording of a legislative proposal. There are equal numbers of members from each side, with representatives of the Commission also attending.

Rapporteurs

One of the most important and influential roles in the EP is that of the rapporteur, an MEP who is appointed to a committee to draft a report on a legislative proposal and recommend a position or political line to be followed. Appointments are based on a points system, with the different political groups in the EP being given points in relation to their size and essentially bidding against each other for the appointment of rapporteurs to proposals. On recurring proposals such as the annual EU budget, assignment takes place on a rotation. With the help of policy

specialists, members of EP committees, and even interest groups, rapporteurs will solicit information on the subject of the proposal and prepare a report to be put before a plenary session of the EP.

Secretariat

Parliament has its own internal bureaucracy, to match those of the Commission and the Council of Ministers. Based in Luxembourg, the job of the EP Secretariat is to coordinate legislative work, organize plenary sittings and meetings, and provide MEPs with technical and expert assistance. It employs about 7,500 staff, many of whom work on translation and interpretation, while others are employed temporarily by the EP political groups. Most EP staff are permanent EU civil servants, recruited with an eye to ensuring a spread of nationalities; at the higher levels political affiliation is a factor in determining appointments. As with the Secretariat-General of the Commission, there has been little turnover in the office of EP secretary-general, so when Klaus Welle of Germany replaced Harald Rømer of Denmark in 2009, he became only the seventh person (all of them men) to hold the job in just over 50 years.

What Parliament does

As noted earlier, the European Parliament does not yet have all the conventional powers of a legislature, and the jockeying for power and influence among the EU institutions has left it with powers ranging from the formal to the informal, the modest to the significant (see Figure 12.3).

Powers over legislation

Although the Commission has a monopoly on the drafting of proposals for new laws, there are several ways in which the Parliament can play a role:

1. It can send representatives to the initial meetings held by the Commission to start the drafting process, helping shape legislation and encouraging the Commission to address issues it thinks are important.

Figure 12.3 *Powers of the European Parliament*

- Under the ordinary legislative procedure, shares powers with the Council of Ministers over discussion and approval of new legislative proposals, and of the EU budget.
- May encourage or pressure the Commission to develop new proposals.
- Commission, Council of Ministers and presidency of Council of Ministers must regularly report to the EP on their activities.
- Right to confirm or reject the European Council's nominees for president of the European Commission and High Representative for Foreign Affairs and Security Policy.
- Right of approval over appointments to the College of Commissioners, the management team of the European Central Bank, and the Court of Auditors.
- May compel removal of the College of Commissioners.
- Manages the office of the European ombudsman.

Consultation

procedure The original legislative procedure used in the EP, by which it could comment on proposals from the Commission but had little more than the power of delay.

Cooperation

procedure A legislative procedure introduced by the Single European Act, giving the EP the right to a second reading on selected proposals.

Ordinary legislative

procedure The most common legislative procedure now used in the EP, under which it has the right to as many as three readings on a legislative proposal.

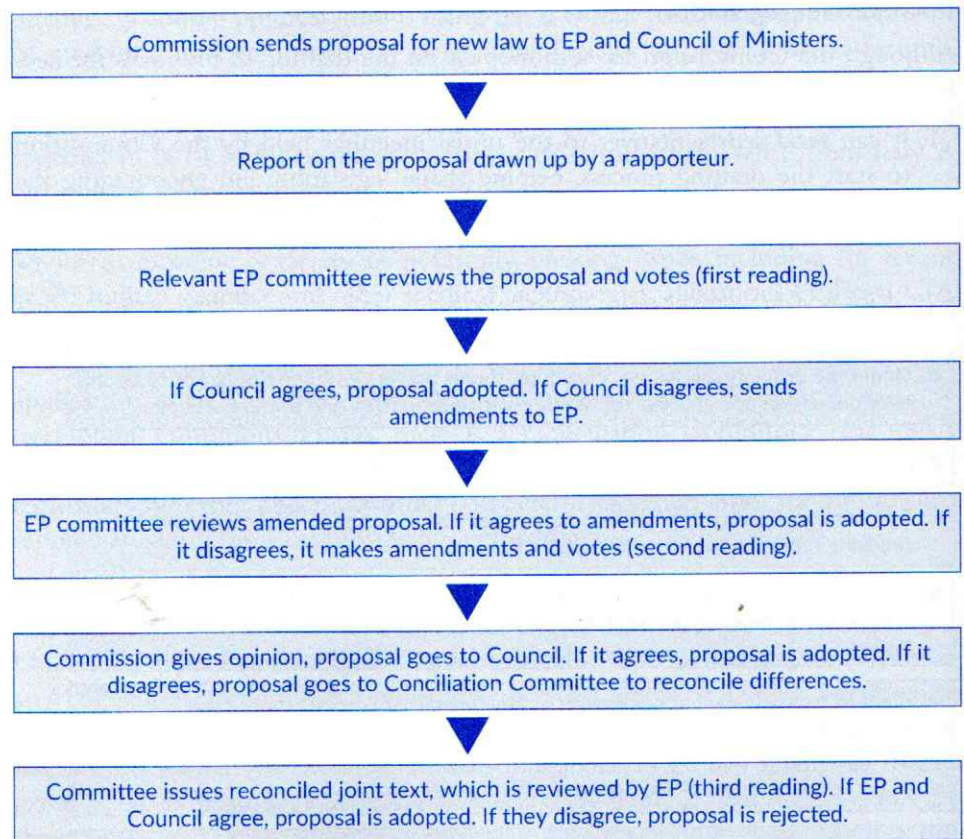
2. It can publish 'own initiative' reports that draw attention to a problem, encouraging the Commission to respond.
3. It can send a request to the Commission that it submit a proposal on a problem related to the implementation of treaty obligations.

Most of the EP's legislative work, though, is focused on reviewing proposals received from the Commission, at which point it enters a complex process of bargaining with the Council of Ministers. When proposals are received by the EP, a report is drawn up by a rapporteur and discussed in committee, then sent for a vote in plenary session, the result being the 'position' of the EP. In its early years, the EP was mainly limited to the modest **consultation procedure**, which gave the Council of Ministers the final say over adoption. The Single European Act introduced a new **cooperation procedure**, giving the EP more input, and Maastricht introduced yet more changes allowing the EP powers of codecision. In what is now known as the **ordinary legislative procedure** (see Figure 12.4), the EP and the Council have near-equal powers over the adoption of new laws, making the two bodies 'co-legislatures'.

The last of the EP's legislative powers is the **consent procedure**, by which the support of the EP is needed in four kinds of decisions:

1. The accession of new member states to the EU and the granting of associate status to others.

Figure 12.4 *Workflow of the European Parliament*



2. The withdrawal of a member state from the EU, although what would happen if the EP did not give its consent is unclear.
3. The conclusion of international agreements, such as those reached by the EU after negotiations under the auspices of the WTO.
4. The imposition of penalties by the Council of Ministers on a member state for serious and persistent violations of fundamental rights.

One area in which the EP has won only limited powers is foreign policy, but it has creatively used the consent procedure to extend its authority. Maastricht obliged the presidency of the Council of Ministers to consult with the EP on the development of the Common Foreign and Security Policy, for example, and during the 1990s the EP used the consent procedure several times to delay agreements between the EU and third countries. These included an agreement with Russia in protest over Russian policy in Chechnya, with Kazakhstan in protest over that country's poor democratic record, and with Turkey in protest over human rights violations (Stavridis and Irrera, 2015).

Powers over the budget

Parliament and the Council of Ministers share powers over agreeing the EU budget, making them jointly the budgetary authority of the EU. As with new laws, it is the Commission that drafts the budget, which is then sent to the Council of Ministers (usually in April each year), and then to the EP. The EP can accept the draft or propose changes, which are forwarded to the Council of Ministers, which can either accept the changes or add its own, returning the new draft to the EP for a second reading. If there is strong opposition to the budget, then the EP – with a two-thirds majority – can reject it, but it has only done this three times so far (in 1979, 1982 and 1984). For the budget to come into force, it must be adopted by the EP and signed by the president of the EP.

Powers over other institutions

Parliament has several direct powers over other EU institutions that have helped it develop a modest system of **checks and balances**, and have given EU citizens more of a role (via the EP) in influencing those institutions. The most compelling relate to the Commission, which must submit regular reports to the EP, including its annual legislative programme and its report on the implementation of the EU budget. The presidency of the Council of Ministers must also report to the EP on its plans and its achievements. The EP can submit questions to the Commission and the Council, and can even take the Commission or the Council to the ECJ over alleged infringements of the treaties.

Parliament also confirms the nominees of the European Council for president of the European Commission, the High Representative for Foreign Affairs and Security Policy, and the president of the European Central Bank. It also has some control over appointments to the College of Commissioners as a whole. All nominees to the College must appear before the EP, and while it cannot block individual nominations, its reservations can be enough to lead to the withdrawal of nominations (see Chapter 10).

The EP's most substantial power over the Commission, often described as the 'nuclear option' because of its deterrent qualities, is to force the resignation of the

Consent procedure A legislative procedure under which the EP has veto rights in selected areas, including the admission of new member states to the EU, and the conclusion by the EU of new international agreements.



CONCEPT

Checks and balances

An arrangement in which government institutions are given powers that counter-balance one another, obliging them to work together in order to govern and make decisions. The powers of executives, legislature and courts in democracies are routinely checked and balanced. In the case of the EU, the distribution and expression of those powers has changed often, in many cases to the benefit of the European Parliament.



FOCUS 4

The reach of EU law

One of the most controversial issues in the debate about the EU is the question of the extent to which national laws in the member states are impacted by EU law. The uncertainty is reflected in estimates suggesting that anything from 6 per cent to 84 per cent of national laws in the member states trace their origins to EU law. Eurosceptics have tended to opt for the higher number.

Establishing the number of EU laws is not too difficult, because the EU's Euro-Lex website at <https://eur-lex.europa.eu/homepage.html> contains a searchable database that is regularly updated. A search in mid-2019, limited to laws in force, found that there were nearly 6,650 regulations, just over 1,250 directives, and just over 19,000 decisions. Not all are equal in terms of their size and reach, however; some are short, technical and narrow in their goals, while others are longer and bring about wider change. It must also be remembered that many EU laws have had the effect of harmonizing (and thus often replacing) different and contradictory national laws, leading to a net decrease in regulation.

As to the question of how far national law in the member states is impacted by EU law, one of

the few authoritative studies so far undertaken of this issue was a paper published by the British House of Commons Library (2010). This made the following points:

- EU and national databases were not always reliable.
- Differentiating between EU-generated and nationally generated changes to the law was not easy.
- There was little data on the relative material impact of EU and national laws.
- EU law had different levels of impact from one member state to another.
- In the British case, 'there is no totally accurate, rational or useful way of calculating the percentage of national laws based on or influenced by the EU'.

The report concluded that between 1997 and 2009, just under 7 per cent of primary legislation in the UK and just over 14 per cent of secondary legislation could be tied to the obligations of implementing EU rules.

For a full listing of EU laws, see https://ec.europa.eu/info/law_en.

College of Commissioners through a motion of censure. Several censure motions have been proposed over the years, but all have been defeated or withdrawn because they failed to win the two-thirds majority needed to succeed. As noted in Chapter 10, the closest the EP came to removing the College was during a vote in January 1999 over charges of fraud and corruption. While only 232 MEPs voted in favour, falling far short of the two-thirds majority of 416, the size of the negative vote sparked the creation of a committee of inquiry, whose report ultimately brought down the College.

The EP also closely monitors the work of the Council of Ministers, regularly submitting oral and written questions on matters of policy. The two institutions work particularly closely together on the Common Foreign and Security Policy, judicial cooperation, asylum and immigration issues, and international crime. The president of the EP also makes an address at the opening of every meeting of the European Council, providing an opportunity for the EP to comment on the Council agenda.

No coverage of the EP's relationship to other institutions would be complete without mentioning the **European ombudsman**. Created as a result of changes made by Maastricht, the ombudsman is charged with investigating complaints of maladministration by any of the EU institutions except the Court of Justice. The office is something of a branch of the EP, since the ombudsman is appointed by the EP with no input from the member states, has a term of office that coincides with that of the EP, has an office physically located in the EP buildings in Strasbourg, has a budget that comes out of that of the EP, and can be dismissed by the ECJ on a request from the EP. In 2013, Emily O'Reilly, the former national ombudsman

European ombudsman

An official appointed and monitored by the European Parliament and charged with investigating complaints of maladministration by any of the EU institutions except the ECJ.

of Ireland, became the first woman to be appointed to the position. (For more on the ombudsman, see Hofmann and Ziller, 2017.)

Complaints can be lodged by anyone who is a citizen or a legal resident of the EU, and the ombudsman's office can launch its own investigations if necessary. Complaints can be directed at discrimination, abuse of power, failure to reply, delays in taking action and administrative irregularities. The ombudsman then informs the institution concerned, tries to find a solution to the problem, and can send a report to the EP if no resolution is achieved. Recent cases have included an investigation into irregularities in the appointment of the Secretary-General of the Commission, efforts to increase the transparency of the legislative process in the Council of Ministers, and the raising of questions about the activities of commissioners once they leave the Commission.

Discussion questions

1. Is the European Parliament more or less than it seems?
2. Should the EP have more powers over the legislative process?
3. How far has the EP gone to help close the EU's democratic deficit, and what is still missing from the equation?
4. Do critics of the procedure by which the EP president is chosen have a point?
5. What powers over the other institutions does the EP most obviously lack?

Key terms

Conference of Presidents
Consent procedure
Consultation procedure
Cooperation procedure

European ombudsman
Member of the European
Parliament

Ordinary legislative procedure
President of the EP

Concepts

Checks and balances

Legislature

Further reading

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